

AMENDED IN SENATE APRIL 27, 2004

SENATE BILL

No. 1367

Introduced by Senator Burton

February 18, 2004

An act *to amend Section 7501 of the Family Code*, relating to child custody.

LEGISLATIVE COUNSEL'S DIGEST

SB 1367, as amended, Burton. Child custody: residency.

Existing law permits a parent who is entitled to the custody of a child to change his or her residency, subject to the power of the court to restrain a removal that would prejudice the rights or welfare of the child.

This bill would ~~state the intent of the Legislature to enact legislation to ensure~~ *require that a the right to make that change in residence of a parent entitled to the custody of a child pursuant to Section 7501 of the Family Code* not be frustrated by undue delay.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation to ensure that a change in residence of a parent entitled~~
3 ~~to the custody of a child pursuant to Section 7501 of the Family~~
4 ~~Code not be frustrated by undue delay.~~

5 *SECTION 1. Section 7501 of the Family Code is amended to*
6 *read:*

7 7501. (a) A parent entitled to the custody of a child has a right
8 to change the residence of the child, subject to the power of the

1 court to restrain a removal that would prejudice the rights or
2 welfare of the child. *The right of a parent to make that change in*
3 *residence may not be frustrated by undue delay.*

4 (b) It is the intent of the Legislature to affirm the decision in *In*
5 *re Marriage of Burgess* (1996) 13 Cal.4th 25, and to declare that
6 ruling to be the public policy and law of this state.

